

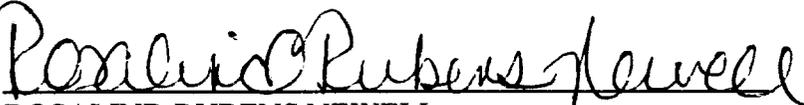
Entered -06-12-00 - sb
CL 00L0334 - ALEXIS HOLMES

00-*R*-1772

CLAIM OF: **CARLTON GREGORY, JR.**
Patrick R. Matarrese, Esq.
MONTLICK & ASSOCIATES
17 Executive Park Drive
Suite 310
Atlanta, Georgia 30347-0406

For personal injury and vehicular damages alleged to have been sustained from a police pursuit involving the Austell, the DeKalb, and the City of Atlanta Police Departments, on December 26, 1999, on Memorial Drive and Covington Highway.

**THIS ADVERSED REPORT IS
APPROVED:**

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0334 Date: 10/19/00

Claimant /Victim CARLTON GREGORY, JR.
BY: (Atty) PATRICK R. MATARRESE, ESO., MONTLICK & ASSOCIATES.
Address: 17 Executive Park Drive - Suite 310 P.O. Box 95406 - Atlanta, Georgia 30347-0406
Subrogation: Claim for Property damage \$ Bodily Injury \$47,137.00
Date of Notice: 6/02/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 12/26/99 Place: Memorial Drive and Covington Highway
Department POLICE Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The Claimant alleges that he was severely injured as a passenger in an automobile collision as a result of a vehicular pursuit involving Austell, DeKalb and City of Atlanta Police Departments. An investigation determined that Claimants' vehicle was struck by a 1989 Buick LaSabre that was fleeing Police. The City is not responsible for the tort actions of third parties. Furthermore, under O.C.G.A. § 36-33-3, the City of Atlanta is not liable for tort actions of its police or other officers.

INVESTIGATION:

Statements: City employee Claimant X Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 10/29/00
Committee Action: Council Action

FORM 23-61

pursued by Sgt. John L. Poulk of the K-9 Unit of the Austell Police Department and Atlanta Police Units. It is our understanding and belief based on our investigation that Officer Poulk and the Atlanta Police did not follow proper protocol, initiated and continued a high speed chase through several jurisdictions and unnecessarily endangered the lives of the motoring public, to wit: Carlton Gregory, Jr., Julon Gregory and Christopher White as well as any and all other individuals injured and/or who suffered damages as a result of the subject collision.

LIABILITY

This incident occurred as a result of the negligence of Sgt. John L. Poulk and the Atlanta Police, and any and all other employees of the City of Austell and City of Atlanta who ignored his/their public duty to the safety of the driving public by participating in an improper and unsafe high speed chase, failing to exercise and follow proper protocol thereby exposing Carlton Gregory Jr. and Julon Gregory as well as any and all other individuals injured and/or who suffered damages to unnecessary harm and injury. Officer Poulk and Atlanta Police continued to chase Keeon J. Almon through Dekalb County with his siren and lights turned off. Officer Poulk's and Atlanta City Police's conduct was in reckless disregard of the safety of Carlton Gregory, Jr.; Julon Gregory and Christopher White as well as any and all other individuals injured and/or who suffered damages in the subject collision.

This claim is based on general theories of negligence under Georgia Law including but not limited to O.C.G.A. § 40-6-6-(d)(1). Additional theories of negligence may include the negligent hiring and retention of an employee and the negligent supervision of the employee. At this time these theories are not inclusive and additional theories may be alleged as our investigation continues.

You are hereby informed that Carlton Gregory, Jr., Julon Gregory, Christopher White and Carlton Gregory, Sr. make their claims as a result of the negligence of the City of Austell and its employee John L. Poulk, Atlanta Police Officers and any and all other employees of the city of Austell and the city of Atlanta who may have caused or contributed to the cause of Carlton Gregory, Jr., Julon Gregory and Carlton Gregory, Sr. injuries and losses who are not yet known. We ask that you please investigate this matter and contact us upon completion of your investigation. This notice is presumed to comply with all notice requirements unless you advise us differently within ten (10) days of the date of this letter.

INJURIES

CARLTON GREGORY, JR.:

Carlton Gregory, Jr. was 15 years old at the time of the collision. He was a passenger, seated in the passenger side, rear seat, of his father's vehicle. Unfortunately the point of impact was at the exact area of where Carlton Jr. was seated. The speed of the chase vehicle is estimated at somewhere between 60mph to 80mph at the time of impact. Carlton Jr. suffered a fractured neck as a result of the impact.

Carlton, Jr. was rushed by ambulance to Dekalb Medical Center where CT scans demonstrated a C4 on C5 cervical vertebrae subluxation and C5 fracture with C4 facet fracture. Carlton, Jr. was then transferred to Egleston Children's Hospital for further medical care.

Upon admission to Egleston Children's Hospital, a MRI was performed which revealed a 20-degree angulation on C4 and C5 and an associated 5-mm subluxation. On December 29th, the treating physician performed an external reduction of the subluxation using a halo traction modality. A few days later another MRI was performed that showed continued subluxation with a traumatic disk herniation. The herniation was pressing upon the spinal cord.

On January 5, 2000, Orthopaedic surgeons performed invasive surgery instituting a C3 through C5 arthrodesis with auto graft lateral mass plating. Carlton, Jr. remained in the pediatric intensive care unit until January 10, 2000. Carlton endured a most serious and painful injury, celebrated the transition into the year 2000 in the intensive care ward, and was millimeters away from complete paralysis. Carlton Jr. will be compromised for the rest of his life as a direct result of his injuries.

We are enclosing copies of Carlton's medical records and billing statements that we have obtained to date from Dekalb County EMS, Dekalb Medical Center, Radiology Associates of Dekalb, Egleston Children's Hospital, the Emory Clinic – Pediatric Neurosurgery for your review. We will provide you with additional medical records and bills, as they become available.

Carlton's medical expenses are in the approximate amount of \$47,137.

JULON GREGORY:

Julon and Carlton are brothers. Julon is seventeen years old. Julon Gregory suffered chest wall contusion, neck, shoulder head and back soft tissue injuries.

We are enclosing the medical records and billing statements we have obtained to date from Dekalb Medical Center, Radiology Associates of Dekalb and Rehab Orthopedic Medicine regarding treatment for Julon's injuries.

Julon's medical expenses are in the approximate amount of \$2,458.

CHRISTOPHER WHITE:

Christopher White was a passenger in Julon Gregory's motor vehicle. Christopher suffered contusions and soft tissue injuries. Christopher was treated at Dekalb Medical Center. We will provide you with copies of Christopher's medical records and bill upon receipt thereof.

Christopher's medical expenses are in the approximate amount of \$600.

CARLTON GREGORY, SR.

Carlton Gregory, Sr. is Carlton, Jr. and Julon's father. Mr. Gregory's motor vehicle was totaled in the subject collision and his *property damage loss is in the approximate amount of \$4,200.*

This letter is intended to establish ante litem notification and is presumed to comply with all such requirements under O.C.G.A. §§ 36-33-5 & 50-21-26. If further information is needed, please feel free to contact the undersigned.

Very truly yours,

MONTLICK & ASSOCIATES, P.C.

BY:



Patrick R. Matarrese
Attorney at Law

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cc: Carlton Gregory, Jr.

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